

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CRIMINAL ACTION
)	
PATRICK JOSEPH FRIEDEL,)	1:14-cr-383
)	
Defendant.)	
)	

REPORTER'S TRANSCRIPT

SENTENCING HEARING

Friday, April 24, 2015

BEFORE: THE HONORABLE T.S. ELLIS, III
Presiding

APPEARANCES: TRACY MCCORMICK, AUSA
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(Court adjourned)

PROCEEDINGS

(Court called to order at 9:12 a.m. in USA v Friedel.)

THE CLERK: United States versus Patrick Joseph Friedel, Criminal Case Number 1:14-cr-383.

Counsel please note your appearance for the record.

THE COURT: All right. Who is here for the government?

ATTORNEY MCCORMICK: Good morning, your Honor. Tracy McCormick for the United States.

THE COURT: All right. Good morning, Ms. McCormick.

And for the defendant?

ATTORNEY DALE: Good morning, your Honor. Allen Dale and Stuart Sears on behalf of Mr. Friedel.

THE COURT: All right. Good morning.

And good morning to you, Mr. Friedel.

Mr. Friedel, how do you pronounce your name?

THE DEFENDANT: Friedel.

THE COURT: Friedel. All right. Good morning.

This matter is before the Court -- I am standing for the comfort of my back. This case is

1 before the Court for sentencing, this defendant having
2 pled -- or having been found guilty on the basis of a
3 plea to a two-count criminal information. He pled
4 guilty to a charge of production of child pornography
5 and a second count of possession of child pornography.
6 He was originally indicted for slightly different
7 charges.

8 Distilled to its essence -- (pause).

9 Distilled to its essence, the activity that
10 he pled guilty to and that he's before the Court for
11 sentencing on today is that he communicated with these
12 underage women, 15 and 16 years old, on the Internet,
13 arranged to meet them, had sex with them, filmed it or
14 videoed it; and that's essentially the conduct.

15 There is no evidence that he sold the video
16 or shared the video. He did have 500 images, I think,
17 on his computer when it was searched, and these were
18 child pornography images, including images of people who
19 were real, real victims.

20 All right. Let me inquire, first of all,
21 from counsel for defendant. Have you had an adequate
22 opportunity to review the presentence investigation
23 report and to review it with your client?

24 ATTORNEY DALE: Yes, your Honor, I have.

25 THE COURT: Mr. Friedel, have you had an

1 adequate opportunity to review the presentence report
2 and to review it with your counsel?

3 THE DEFENDANT: Yes, your Honor, I have.

4 THE COURT: Are you fully satisfied with the
5 advice and counsel he has provided to you in this case?

6 THE DEFENDANT: Yes, your Honor, I am.

7 THE COURT: You may be seated.

8 THE DEFENDANT: (Complied.)

9 OBJECTIONS/CORRECTIONS TO PRESENTENCE REPORT

10 THE COURT: All right. Are there any
11 objections or corrections to the presentence report on
12 behalf of the defendant?

13 ATTORNEY DALE: No, your Honor.

14 THE COURT: All right. Thank you.

15 Let me ask the government, are there any
16 objections or corrections to the presentence report on
17 behalf of the government?

18 ATTORNEY MCCORMICK: No, your Honor.

19 THE COURT: Accordingly, the Court will
20 adopt the findings and conclusions of the presentence
21 investigation report as the Court's findings and
22 conclusions in this matter and will proceed now to
23 allocution. Part of the argument I will hear at the
24 bench.

25 Now, let me hear first -- I will allow the

1 defendant to allocute if he wishes, or I will have
2 counsel go first, whichever you prefer.

3 ATTORNEY DALE: I would prefer to go first,
4 your Honor.

5 THE COURT: You may do so.

6 And I have read your brief, your position.

7 ALLOCUTION ON BEHALF OF THE DEFENDANT

8 ATTORNEY DALE: Thank you, your Honor. I am
9 not going to repeat what's in the brief.

10 If I might, just before I begin, introduce
11 the family, not by name, but to let you that Mr.
12 Friedel's family are here. They asked that I let you
13 know that his mom is here, his dad, numerous family
14 members, his girlfriend. And aside from his girlfriend,
15 everyone who is here today has traveled a long distance
16 to appear to support him and to appear before your
17 Honor.

18 Your Honor, when the Court boiled this case
19 down to its essence, you were correct, I would say
20 99 percent correct. I would only make one correction to
21 that, and that is that there was sexual contact with
22 only one of these minors. That was Minor A. The rest,
23 he never met. It was all over the Internet, just
24 exchanging pictures back and forth.

25 THE COURT: All right. That's an important

1 correction to make.

2 ATTORNEY DALE: The second part, not really
3 a correction but just to elaborate, is on the number of
4 photographs of child pornography that were found in his
5 computer.

6 It's one of the things that I will discuss
7 in my allocution, but at the beginning I want to first
8 point out that these pictures that were found in the
9 computer were not pictures that he searched off the
10 Internet. He did not log in to places to find the
11 pictures, download them and store them and share them
12 with anyone.

13 These pictures, believe it or not, were sent
14 to him from these minors. And I will discuss that a
15 little bit more in my allocution, if I might.

16 THE COURT: Well, this is the time to do it.
17 Let's get on with it.

18 ATTORNEY DALE: Your Honor, this case is,
19 for me, very difficult. I have not had a case like
20 this. I have been practicing 38 years, and I just can't
21 remember one that I can boil down to a case like
22 Mr. Friedel's.

23 All hyperbole aside, this is really a very
24 rare case for me.

25 In trying to prepare the allocution, I was

1 reading through --

2 THE COURT: I appreciate that. It isn't
3 really a significant factor in my decision on
4 sentencing; that is, your experience over 38 years.

5 ATTORNEY DALE: I understand that.

6 THE COURT: It won't surprise you to learn
7 that I have been on the planet longer than you have.

8 ATTORNEY DALE: I --

9 THE COURT: The point is, I understand, I
10 have read all the briefs. Your personal view is not
11 something I factor into this.

12 ATTORNEY DALE: I understand that, your
13 Honor.

14 THE COURT: All right. Go ahead.

15 ATTORNEY DALE: Your Honor, I would submit
16 that this really is not a case to discuss in my
17 allocution the law. The Court knows the law far better
18 than I'll ever know it.

19 This really is a fact-driven case. And the
20 fact --

21 THE COURT: "This is really a fact-driven"?
22 All right.

23 ATTORNEY DALE: A fact-driven case.

24 THE COURT: All right.

25 ATTORNEY DALE: The facts here are, just as

1 the Court boiled it down to its essence, there was a
2 production charge with a mandatory minimum of 15 years,
3 for --

4 THE COURT: Yes.

5 ATTORNEY DALE: -- for a man whose only
6 production is of himself and this one minor --

7 THE COURT: Yes. The important point that
8 you are emphasizing is that he didn't share these
9 videos, he didn't sell them, he didn't do it for
10 commercial reason. He did it for his own gratification.

11 ATTORNEY DALE: Precisely.

12 THE COURT: Yes. I understood all that.
13 And that's, as you would argue, an important point.

14 ATTORNEY DALE: It's not only, I would
15 submit, an important point, your Honor, but it goes to
16 his mental state. It goes to whether or not is he a
17 danger to the community. It goes to what the sentence
18 that this Court should impose that's sufficient but not
19 greater than necessary to punish him for what he
20 actually did, to deter him and to deter others, and to
21 protect the community.

22 And I think the Court can see from
23 Dr. Berlin's report, he is not a danger, he is not a
24 pedophile. I believe the government would even admit
25 that. This man, with a sex addiction, was engaged with

1 thousands of women on the Internet. He sat through the
2 night with this chat that goes back and forth.

3 When one looks at the government's pleading
4 and the facts that we submitted to, the government's
5 pleading, when they lay out the facts that they base
6 their argument that 22 years of incarceration -- or
7 262 months -- is the appropriate sentence, they talk
8 about all these pornographic pictures that have been put
9 out forever, that are going to be in the public domain,
10 that are going to harm those children forever.

11 That's not what Patrick Friedel did.
12 Patrick Friedel had these in his computer. They came
13 from the girls themselves. In fact, I listened to one
14 tape. It's a very disturbing interview with the agents
15 and one of the minors, and that minor admits to having
16 sent a picture of a four-year-old.

17 If -- the Court said it was going to discuss
18 some of the matters at the bench. If you could like,
19 that's probably one of the appropriate matters to
20 discuss at the bench.

21 But the fact is, these women -- in fact, the
22 one with whom he had sex, was 15 when he first engaged
23 with her, about to turn 16. If this had been charged in
24 the State Court as it was originally --

25 THE COURT: That, too, is irrelevant.

1 ATTORNEY DALE: Well --

2 THE COURT: It doesn't matter what would
3 happen in the State Court.

4 ATTORNEY DALE: I understand that, your
5 Honor. But if I might, I would submit that it goes to
6 how Draconian these guidelines are --

7 THE COURT: No --

8 ATTORNEY DALE: -- when compared to --

9 THE COURT: -- it doesn't. It's a different
10 judgment. One might just as well say that the state
11 system demonstrates how cavalier they are about serious
12 crimes. The state judgment is not what I deal with.

13 ATTORNEY DALE: Your Honor --

14 THE COURT: That isn't to say, by the way,
15 that I'm not conscious of it, that I am not aware of it.
16 The same is true in the drug area. The same is true in
17 other areas. It goes the other way in bank robberies,
18 interestingly.

19 Also, the state system has parole. The
20 state system has other things that the federal system
21 does not have.

22 None of that really -- I am not persuaded
23 the state judgment is the right judgment. That judgment
24 doesn't prevail here. I deal with Congress's judgment,
25 the Sentencing Commission's judgment, and in the final

1 analysis it's my judgment that you now have an
2 opportunity to influence by focusing on the 3553(a)
3 factors.

4 ATTORNEY DALE: Then focusing on those, your
5 Honor, the government concedes in their position papers
6 that the background of this individual, Mr. Friedel,
7 would weigh in his favor.

8 He has no record. He self-surrendered when
9 he found out there was a warrant out on him. He has
10 family support. He pled guilty early on to save the
11 government the time and resources, to save the minors
12 from having to testify.

13 He has the support group when he gets out.
14 He has already started with his -- and he started before
15 he was incarcerated with Pine Grove in addressing his
16 addiction, and wants to continue to address that
17 addiction, and will continue to address that addiction.

18 As far as whether the public needs to be
19 protected from him, we have submitted Dr. Berlin's
20 report, and I would submit that the whole record in this
21 case would indicate that this individual sitting right
22 here today is not someone from whom the public needs
23 protection.

24 That's, I think, borne out with the evidence
25 that he was engaging with a number of an adult women,

1 and out of thousands of people, five, he ends up four
2 chatting with, one having sex with, were under the age
3 of 18.

4 THE COURT: Well, that person was a member
5 of the public; is that right?

6 ATTORNEY DALE: She was, your Honor.

7 THE COURT: And she was -- I think your
8 point, more accurately and modestly stated, is that, of
9 course he was a danger to the public. These young women
10 were members of the public.

11 But your point is that his sexual addiction
12 was more broadly based than that. He had relations, I
13 guess, with adults as well as juveniles.

14 And if he were distributing child
15 pornography, if he were engaging in broader, broader
16 efforts at engaging in sex with minors, there would be a
17 greater danger to the public. And I think what you are
18 arguing is that it's -- the facts before this Court is
19 it's fairly narrowly circumscribed. Is that right?

20 ATTORNEY DALE: That is correct, your Honor.
21 And I appreciate the fact is --

22 THE COURT: But they are not -- you can't
23 argue that the people, the victims -- I don't know, are
24 there any victim statements?

25 ATTORNEY MCCORMICK: No, your Honor. We did

1 not receive any, from the government.

2 THE COURT: Yes. And neither did the
3 Probation Office.

4 But these victims, and they are underage
5 women, are members of the public.

6 ATTORNEY DALE: Our position, your Honor, is
7 that 262 months, the low end of the Guidelines, is far
8 greater than necessary to meet --

9 THE COURT: I understand that. I understand
10 that.

11 ATTORNEY DALE: When we raised the Eighth
12 Amendment issue, even the cases that the government
13 cites in their papers regarding the Eighth Amendment
14 issue, in each of those 15-year mandatory minimum cases,
15 with the exception of Cobbler, where there was an Eighth
16 Amendment challenge to 120 years, where there the
17 production was in connection with the molestation of a
18 four-year-old boy, the remainder of those 15-year
19 sentences where the Guidelines far exceeded 15 years,
20 the courts imposed a sentence of 15 years, save the
21 First Circuit Polk opinion, where the defendant received
22 15 years and 8 months.

23 So we would submit that the government's own
24 cases that they cite would suppose at least this Court
25 going down to the 15-year mandatory minimum.

1 THE COURT: But there are no cases that say
2 15 years is cruel and unusual punishment. Nor would --
3 nor would I follow any such case, because it would be
4 wrong.

5 ATTORNEY DALE: In that case, I won't argue
6 that, your Honor, and I will ask the Court to impose the
7 15-year mandatory minimum.

8 THE COURT: All right.

9 Mr. Friedel, this is now your opportunity,
10 sir, to address the Court and to say anything at all you
11 wish to the Court by way of extenuation, mitigation or,
12 indeed, anything you think the Court should know before
13 sentence is imposed.

14 Now, you don't -- you are not required to
15 say anything if you don't wish to, but you do have the
16 opportunity to do so if you wish to.

17 Do you wish to say anything?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: All right, sir. I will hear you
20 now.

21 THE DEFENDANT: I wrote down my statement so
22 I wouldn't forget anything, if that --

23 THE COURT: That's quite all right. You can
24 read it or speak it as you wish.

25

1 ALLOCUTION BY THE DEFENDANT

2 THE DEFENDANT: My lawyers told me that your
3 Honor is the type of individual who reads all of the
4 material submitted in the case, and I want to say thank
5 you for that. We presented a number of pages for your
6 correction, and it gave me a lot of solace to know that
7 you reviewed them all, and I want to thank you.

8 For my whole life I've tried to lead a life
9 set by my mother's example. I strived to get an
10 education, serve others, work hard, and maintain
11 humility and integrity.

12 My dream growing up was to work for the
13 public and promote social justice, in particular for the
14 U.S. Government. Like my grandparents, I wanted to
15 serve my country, something I will never be able to do
16 again as a felon.

17 To the casual observer, and even many of my
18 close friends, I was achieving these goals and doing
19 well. But privately I was depressed and lonely, and I
20 developed a coping mechanism that disgusted me. It ran
21 so counter to my value system that it ultimately only
22 furthered my depression.

23 THE COURT: Why did you do it?

24 THE DEFENDANT: I asked myself that all the
25 time.

1 THE COURT: Well, you need to find an
2 answer. And the answer is not in a word like
3 "addiction," which covers, covers up the real situation.
4 Addiction is a choice.

5 I tell all defendants, Mr. Friedel, that
6 life is making choices and living with the consequences
7 of the choices you make. You don't determine where you
8 are born, you don't determine to whom you are born, and
9 you don't determine whether you are born with handicaps
10 or talents. But you do determine how you respond to all
11 of that.

12 THE DEFENDANT: Okay.

13 THE COURT: Now an addiction means a very
14 strong desire to do something, to consume something or
15 to engage in an activity. But at the end it's a choice,
16 isn't it, Mr. Friedel?

17 THE DEFENDANT: Correct.

18 THE COURT: Do you have the power over your
19 own life?

20 THE DEFENDANT: Yes, your Honor, I do.

21 THE COURT: Absolutely, you do.

22 You have the choice to do what you did or
23 what you shouldn't have done. That was a choice. You
24 do have the power over your own life. This life is
25 making choices and living with the consequence applies

1 to everybody in the courtroom, me and everybody else.

2 You have the power over your own life. You
3 have to decide what kind of person you want to be, and
4 stick to that, be firm about that; otherwise you will be
5 seduced by the moment. You would fall prey to a
6 moment's desire. And you can't do that. Do you
7 understand that?

8 THE DEFENDANT: Yes, your Honor, I do.

9 THE COURT: So when I asked you why did you
10 do it, you need to have an answer for that, that you
11 think is right. The answer doesn't reside in some
12 psychologist, psychiatrist or medical doctor's answer to
13 you. It resides in you.

14 Go ahead, sir.

15 THE DEFENDANT: Why did I, why did I do it?
16 Well --

17 THE COURT: You did it because you wanted to
18 do it. You wanted very, very strongly to do it.

19 Well, you are going to have to decide that
20 you are not going to do it, that you are going to resist
21 the desire. Everybody has desires, some stronger than
22 others. But in the end it's a choice. It's a choice
23 about what kind of power you want to have over the life
24 that you lead.

25 Go ahead, sir. Finish your statement.

1 THE DEFENDANT: Okay, sir.

2 Since about the age of 18, I privately
3 engaged in typing explicit online --

4 THE COURT: I'm sorry, "about the age of
5 18," say that again, sir.

6 THE DEFENDANT: Since about the age of 18, I
7 privately engaged in typing explicit online
8 conversations with countless women, oftentimes
9 exchanging pictures and videos with them. Some nights I
10 juggled 50 conversations at once. The things we would
11 type to one another were obscene, deplorable, and many
12 times just plain absurd.

13 The typed conversations would involve women
14 I met from adult websites and cell phone applications.
15 They were located all over the country, and many even
16 from other countries. At times it seemed to be some
17 kind of competition for who could say the most
18 outrageous things.

19 In my sobriety now and looking back, I am
20 ashamed and humiliated and repulsed by the things that
21 we typed. I can only imagine how they must read to you,
22 your Honor.

23 So those of us participating in this
24 behavior, it was all painfully normal and routine. It
25 was an alternate reality that we created to occupy

1 ourselves at all hours of the night. These were things
2 I am ashamed of, and never thought would see the light
3 of day, and certainly never intended or imagined to
4 become reality.

5 At some point before reaching the age of 21,
6 I began to meet women from online for casual and
7 anonymous sex, sometimes multiple women in a single
8 night. For someone like me, who found all sexual
9 activity shameful, the guilt from these encounters only
10 deepened my despair.

11 When I first began this behavior around the
12 age of 18, I thought the only person I was hurting was
13 myself. And then my actions began to hurt my now
14 ex-girlfriend. And then I began to realize that my
15 actions were enabling and hurting my acting out
16 partners.

17 And then I began to hurt my family and
18 friends by isolating myself and neglecting those
19 relationships. And some of that family and my best
20 friends are here now.

21 For years I tried to stop this cycle of
22 behavior. I wrote to you in my letter a number of
23 things that I tried. And in some ways I am thankful for
24 the search warrant, because it allowed me to come out of
25 the shadows and get a higher of treatment that I needed.

1 But never, never in a million years did I
2 think --

3 THE COURT: Let me underscore a point here
4 for you.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You just said the level of
7 treatment that I needed.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: There is no doubt that
10 counseling and treatment can help you.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: But I don't want you ever to
13 lose sight of the fact that it's your choice. Even if
14 you didn't receive a millisecond of counseling or
15 treatment, you still have the power to change your
16 behavior and to be the kind of person you decide you
17 want to be.

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: So, if you don't get any
21 treatment, if you don't get any counseling, don't blame
22 it on that, because you still have that power.

23 Do you understand that?

24 THE DEFENDANT: Yes, your Honor, I do.

25 THE COURT: All right. Go ahead, sir.

1 THE DEFENDANT: But never in a million years
2 did I think my actions would ever lead to hurting a
3 minor. But that's what happened, and my shame, guilt
4 and sadness for this is really overwhelming.

5 One of the primary functions at the bureau I
6 used to work at, the Department of Labor, was to end
7 child exploitation worldwide, and here I am accused of,
8 and guilty of, of doing just that.

9 All of my behaviors and -- all of my
10 behaviors were shameful, but in involving these five
11 minors I crossed an entirely different line. It is now
12 difficult to look myself in the mirror. How can I ever
13 earn forgiveness or even forgive myself?

14 The 8th and 9th steps of the 12-step program
15 are about making amends, but because of the nature of
16 what I have done, it's unhealthy to make direct amends,
17 so the treatment staff at Pine Grove recommended a
18 living amends, that living a sober and healthy life
19 every day and helping others with this problem can serve
20 as a meaningful penance. So that is what I am doing
21 today.

22 Despite the challenging environment in jail,
23 today I am 214 days without acting out, and counting,
24 and I am looking forward to the day when I am able and
25 strong enough in my sobriety to help and sponsor others.

1 I know my experience can help others with same problem.

2 THE COURT: What do you mean by "sobriety"?

3 THE DEFENDANT: "Sobriety" means not acting
4 out; so no masturbating, no pre-occupational thoughts,
5 no fantasies; using the tools that I learned in
6 treatment to help stop that.

7 THE COURT: All right. Go on.

8 THE DEFENDANT: Your Honor, I'm sorry for
9 my -- I'm sorry for my actions. I apologize to the
10 victims and their families for the harm that I have
11 caused. No one is more disgusted with me than I am.

12 I apologize to my family, friends and
13 colleagues for letting you all down and disappointing
14 you.

15 I profoundly regret that I came to this
16 point in my life, and I neglected all of you and my
17 guiding moral compass.

18 Your Honor, I beg for leniency so that I may
19 continue to live. I beg for leniency so that I can
20 continue my journey of sobriety and contribute to
21 society.

22 I beg for leniency so that I am given the
23 opportunity to be a faithful and loving husband to
24 Christie, who supported me, inspired me, loved me and
25 sees the decency in me throughout this legal process and

1 my recovery.

2 I beg for leniency, too, so that I can be
3 released before my mother dies, so that I can make up
4 for all of the years that my action has taken away from
5 our relationship.

6 Thank you for your consideration, and I will
7 accept and respect whatever your judgment.

8 THE COURT: All right. You may be seated.

9 THE DEFENDANT: (Complied.)

10 THE COURT: All right. I will hear from the
11 government now.

12 ALLOCUTION BY THE GOVERNMENT

13 ATTORNEY MCCORMICK: Good morning, your
14 Honor.

15 Of all the child pornography offenses,
16 production --

17 THE COURT: I'm sorry. Speak up, if you
18 would, please.

19 ATTORNEY MCCORMICK: I'm short. I
20 apologize.

21 Of all the child pornography offenses,
22 production is the most serious. And that's what this
23 case is about. It's about someone who harmed many
24 children, and took images of one of those children. And
25 it's the psychological harm that -- and the physical

1 harm to these children, that the very serious sentences
2 these offenses have are to prevent that.

3 One minor point here, your Honor, is
4 although the defendant wasn't charged with distribution,
5 the statement of facts does recognize that he used an
6 image of a minor to get other minors to do what he
7 wanted to do.

8 THE COURT: Tell me about that.

9 ATTORNEY MCCORMICK: Specifically in the
10 statement of facts, the defendant said that he sent
11 Minor E -- he asked Minor E to play with herself on
12 video. And she didn't know what that meant, so he sent
13 her a video of another girl doing that. And that girl
14 appeared to be the same age as Minor E.

15 So in that regard, we -- we dispute the
16 assertion that the defendant never attempted to
17 physically approach a disinterested female and impose
18 unwarranted sex acts on her.

19 As the statement of facts make clear, to the
20 plea agreement, in fact the defendant used anything at
21 his disposal to get the girls to do what he wanted to
22 them to do, including persuasion, including coercion and
23 including threat.

24 THE COURT: What do you say "coercion"?

25 ATTORNEY MCCORMICK: Coercion, because when

1 he -- some of the minor rejected what the defendant
2 wanted them to do, he threatened to tell their parents
3 or post the images online, so that they would, in fact,
4 abide by his desires for his own sexual gratification,
5 to get them to do his will.

6 And so in this regard the case is very
7 serious, and that's why it is in Federal Court, because
8 these girls were older. They weren't six or four, as
9 the defendant points out, but there was still harm here.
10 And so that's why this case is a very serious offense
11 and that's why it's in Federal Court, facing very
12 serious charges and a very serious penalty.

13 Your Honor, I think the government's brief
14 discussed why the Guidelines were empirically based, and
15 I'm not sure we need to go into that here.

16 THE COURT: Well, in your brief you cited a
17 brief in another case.

18 ATTORNEY MCCORMICK: Yes.

19 THE COURT: In the future, I would be
20 grateful if you don't do that.

21 ATTORNEY MCCORMICK: Yes, your Honor.

22 THE COURT: Don't send me to look for
23 another brief.

24 ATTORNEY MCCORMICK: Yes, your Honor.

25 THE COURT: Distill or summarize the

1 argument in what I am reading there.

2 ATTORNEY MCCORMICK: Yes, your Honor.

3 THE COURT: Because oftentimes I am reading
4 briefs at night, at home, and it's a little off-putting
5 to be told that I have to go to something I didn't bring
6 home with me.

7 ATTORNEY MCCORMICK: I apologize for that,
8 your Honor.

9 THE COURT: So distill it will now for me.

10 ATTORNEY MCCORMICK: Yes.

11 In 2009, the Sentencing Commission put out a
12 report on the child pornography guidelines, and they
13 basically described how over the course of 30 years,
14 that the Guidelines had been revised nine times, and
15 that in so doing they were not only based on the
16 Commission's -- the Commission's studies, but also based
17 on their input from Congress.

18 And the fact that there is congressional
19 input into the Sentencing Guidelines is, of course, not
20 wrong, because of Article II, Section 8. It is part of
21 Congress's authority to set the sentences in these
22 cases.

23 And so the Sentencing Commission recently,
24 in 2013, has promoted its latest round of changes to the
25 Guidelines.

1 THE COURT: All this, though, is by way of
2 responding to the argument made by the defendant that
3 they are not empirically based; isn't that right?

4 ATTORNEY MCCORMICK: Well, they are
5 responding --

6 THE COURT: They are not empirically based.
7 But your answer ought to be, very simply, so what? The
8 Guidelines don't have to be, by statute or anything
9 else, empirically based.

10 It grew out of the fact that in the 1980s,
11 when the Sentencing Commission was established -- some
12 of us were here then -- what happened is that the
13 Sentencing Commission for a great many violations took
14 sentences that were already in the data bank. They were
15 already historical sentences and they took two standard
16 deviations from the mean for a particular violation, and
17 that established the Guidelines. So those were
18 empirically based.

19 But many were not, because they didn't have
20 that data. Child pornography was one of those. But
21 nothing in the statute says that they have to be
22 empirically based.

23 The fact of the matter is that there are
24 three judgments that go into any sentence. First is
25 Congress's judgment. In this case, Congress has made a

1 judgment with respect to the production. And Congress's
2 judgment is that there should be a mandatory minimum for
3 that violation. And then it sets a maximum. That's the
4 congressional judgment.

5 Then there is a Sentencing Commission
6 judgment in which the Sentencing Commission makes a
7 somewhat more refined judgment after considering a
8 variety of factors. In some cases it's empirically
9 based, bank robberies, that sort of thing, it's
10 empirically based -- although I am not so sure that's
11 still true.

12 And then finally there is the judgment of
13 the individual sentencing judge, who has to make a
14 particularized judgment for a particularized individual
15 based on the particular facts that apply to that
16 individual, guided by the Guidelines -- they are not
17 mandatory; they are advisory -- and guided by the
18 factors in 3553(a).

19 Do I have that right?

20 ATTORNEY MCCORMICK: Yes, your Honor, you
21 do.

22 THE COURT: All right. Now, tell me why you
23 think it ought to be what you think it is. So far you
24 have told me one thing that you are emphasizing, and
25 that is that the -- he didn't use the videos that he

1 took for commercial purposes, which is usually what
2 underlies the judgments made by Congress and the
3 Sentencing Commission for production, but you point out
4 that he did use them as a coercion device. Right?

5 ATTORNEY MCCORMICK: Yes, your Honor.

6 THE COURT: All right. Tell me what else
7 you want to tell me.

8 ATTORNEY MCCORMICK: Well, your Honor, the
9 essence of justice is that similarly situated defendants
10 be treated similarly, and the Guidelines are the only
11 base we have to do that right now.

12 THE COURT: That's true. But the key word
13 is "similarly situated."

14 ATTORNEY MCCORMICK: That's correct.

15 THE COURT: And also, as you know, the law
16 is quite clear requiring district judges to make
17 particularized judgments, because every case is somewhat
18 different.

19 ATTORNEY MCCORMICK: That's correct.

20 THE COURT: But you are absolutely right
21 that the Guidelines are a benchmark and they enable
22 courts to avoid unwarranted disparities.

23 Go on.

24 ATTORNEY MCCORMICK: Yes.

25 In this case, the guideline range, you get

1 an enhancement for the age of the victims, which is some
2 kind of level of culpability, and it has a
3 proportionality analysis to it. Because the victims
4 here were in the range of 15, 16 years old, whereas
5 victims in other cases, if they were younger, they would
6 have gotten a much larger enhancement.

7 The fact is that the enhancement is also
8 based on whether the production involved the sexual act.
9 And in some cases, as your Honor knows, you can have a
10 child pornography production offense and it would just
11 be looking at somebody's lascivious exhibition, which
12 may or may not make somebody as culpable as somebody
13 else.

14 The enhancement is also based on whether
15 there is sadism or masochistic conduct, which was
16 involved in this case. So in this --

17 THE COURT: Which is what? I'm sorry.

18 ATTORNEY MCCORMICK: The sadistic and
19 masochistic conduct. One of the victims was tied up,
20 your Honor.

21 THE COURT: All right.

22 ATTORNEY MCCORMICK: Now, the only other
23 factor I would argue, that the last enhancement that was
24 received here was the use of a computer, which of
25 course, as the Sentencing Commission has pointed out and

1 the Department of Justice has pointed out, that probably
2 applies in every case nowadays.

3 And that's something that the Sentencing
4 Commission is going to examine, but they are going to
5 examine that in the light of whether that enhancement
6 should be changed for another enhancement, that more --
7 would more closely reflect what a -- a proportionality
8 analysis to determine the relative culpability of
9 defendants.

10 So, your Honor, as far as the defendant's
11 argument that he is not a pedophile, I think the United
12 States, you know, we don't --

13 THE COURT: It's a matter of definition,
14 isn't it?

15 ATTORNEY MCCORMICK: Well, I think if you
16 look at the conduct here, your Honor, his primary focus
17 was adults. He did, however, in this case on four
18 occasions, five occasions, used children.

19 So whether that makes him an opportunist or
20 just a newly-becoming pedophile is a matter for, you
21 know, judgment. But that doesn't change the harm to the
22 community. What his motivation was in seeking out these
23 children is less relevant than the harm that he caused
24 to the --

25 THE COURT: The fundamental argument they

1 are making in that regard is that he is not a danger to
2 the public.

3 ATTORNEY MCCORMICK: And that's correct.

4 THE COURT: What is your view about that?

5 ATTORNEY MCCORMICK: Well, I don't think
6 that's relevant. Because whether -- like I said, his
7 motivation as to why he target these children matters
8 less than that he did. Whether it was because he was an
9 opportunist and couldn't resist or because he was a
10 pedophile, I think it -- the harm is the same in either
11 regard.

12 THE COURT: Do you want to say anything
13 about the Eighth Amendment argument, which is part of
14 what you also left out in your brief?

15 ATTORNEY MCCORMICK: No, your Honor, I
16 addressed the Eighth Amendment in my brief.

17 THE COURT: Didn't you refer me to another
18 brief in that regard, too?

19 ATTORNEY MCCORMICK: No, your Honor.

20 THE COURT: Oh, that's right. Only with
21 regard to the guideline attack.

22 ATTORNEY MCCORMICK: Well, your Honor,
23 actually I did address the guideline attack, primarily
24 because in this case, this case involved 2G 2.1, which
25 is the production guideline. And the subject of the

1 statement in that article and most of the attacks on the
2 guideline range go to 2G 2.2.

3 So I pointed out in my brief --

4 THE COURT: Yes, you made that point.

5 ATTORNEY MCCORMICK: Correct.

6 THE COURT: But then you referred me to
7 another brief.

8 ATTORNEY MCCORMICK: Well, your Honor, it
9 was only because that was a side point of a brief that
10 was filed the day before, and I thought it was a
11 collateral issue. And I --

12 THE COURT: I see.

13 ATTORNEY MCCORMICK: -- apologize and I will
14 never do that again. I understand your point. I will
15 definitely address it more head-on, even as a collateral
16 not in a footnote, because I understand the
17 inconvenience that caused you.

18 The Eighth Amendment, I did address in the
19 paper. And the Eighth Amendment, as your Honor pointed
20 out, this case is -- it's an as-applied constitutional
21 challenge, and it should fail, because it doesn't --
22 it's a very rare situation in which -- proportionality
23 review available in the Fourth Circuit under the
24 Cobler case that reaffirmed that longstanding principle
25 in the Fourth Circuit, which was the subject of some

1 confusion over the years.

2 In order to find an unconstitutional term of
3 years sentence -- it's only happened on one occasion and
4 it's very rare. And the threshold -- you -- first you
5 have to compare a threshold -- make a threshold
6 comparison of the gravity of the offense and the
7 severity of the sentence.

8 And if that leads to an inference of gross
9 disproportionality, then the Court would move on to an
10 extended analysis showing a comparison with sentences
11 for offenses in the same jurisdiction and sentences for
12 offenses in other jurisdictions.

13 And as I stated, this is a very, very rare
14 occurrence, because in a term of life sentence, as the
15 Supreme Court pointed out in Harmelin case, it's very
16 difficult for a judge to decide whether a term of years
17 for 10 years is more appropriate than a term of years
18 for 25 years, or 5 years.

19 There is no objective factors for the Court
20 to consider to make that decision, which is why that is
21 a decision that gets made by Congress, because Congress
22 is the body that's charged with developing sentences in
23 cases, and they do so on the basis of hearings and
24 testimony and consideration in that regard, and they
25 come up with a sentencing scheme.

1 So in this case, there is the threshold
2 comparison of the gravity of the offense to the gravity
3 of the sentence does not lead to any inference of gross
4 disproportionality.

5 The Cobler case found 120 years was not
6 grossly disproportionate in a production case. The
7 facts in that case were more aggravated, way more
8 aggravated than they are here, but that doesn't make the
9 15-year mandatory minimum sentence grossly
10 proportionate -- disproportionate to the crime.

11 The seriousness of the offense as addressed
12 by Ferber [phonetics] in the Supreme Court, and by --
13 and addressed by Congress in the numerous times they've
14 passed these child pornography offenses and increased
15 the penalty for those offenses is -- it's irrefutable,
16 as recognized by the Fourth Circuit mas well.

17 And Congress, in fact, put together a
18 graduated sentencing scheme, recognizing the different
19 levels of culpability of offenders: 15-year mandatory
20 minimum for production, 5-year mandatory minimum for
21 receive and distribution, and no mandatory minimum for a
22 possession case.

23 THE COURT: But a 20-year maximum.

24 ATTORNEY MCCORMICK: There is a 20-year
25 maximum now for possession offenses --

1 THE COURT: That's right.

2 ATTORNEY MCCORMICK: -- when it involves a
3 minor under the age of 12.

4 THE COURT: All right.

5 ATTORNEY MCCORMICK: Yes, that's correct,
6 your Honor.

7 And so because --

8 THE COURT: But he did have images like
9 that --

10 ATTORNEY MCCORMICK: He did.

11 THE COURT: -- in the 500.

12 ATTORNEY MCCORMICK: He did have images of
13 that. I don't have those facts in front of me. I have
14 agents here if you would like to hear testimony more
15 about that.

16 THE COURT: Well, let me clear about that.
17 I don't want to be incorrect about that. But I think he
18 did have images of -- not of his victims, but of
19 children under the age of 16. He had them at 12 and
20 others.

21 Am I incorrect about that?

22 Let --

23 ATTORNEY MCCORMICK: Your Honor --

24 THE COURT: -- ask the defendant's counsel.

25 ATTORNEY DALE: You are not incorrect about

1 that, your Honor. Our only position is those were sent
2 from these minors to him.

3 THE COURT: Right.

4 ATTORNEY DALE: He did not search them out.
5 But you are correct, they were under -- (pause) --

6 THE COURT: All right.

7 ATTORNEY DALE: -- 12.

8 THE COURT: Thank you.

9 ATTORNEY MCCORMICK: So in this case the
10 policy choices of Congress in passing a graduated
11 sentencing scheme in child pornography offenses deserves
12 respect by the judiciary.

13 And, therefore, given the gravity of the
14 offense, the very serious offense that's at issue here,
15 I don't think it raises -- leads to the inference of
16 gross disproportionality. And that's been recognized by
17 numerous courts, as cited in the brief.

18 THE COURT: All right. Let me have counsel
19 at the bench to discuss one other matter that should be
20 under seal.

21 And Mr. Friedel, you can come forward as
22 well.

23 (Sidebar discussion under seal not
24 transcribed.)

25 (In open court as follows:)

1 THE COURT: All right. I have now heard
2 argument allocution from defendant, defense counsel and
3 the government. I have adopted the findings and
4 conclusions of the presentence report as the Court's
5 findings and conclusions in this matter.

6 Let me now ask whether there are any victims
7 presented who wish to be heard.

8 (No response.)

9 THE COURT: All right. Hearing none, is
10 there any reason why the Court should not now proceed to
11 impose sentence?

12 Let me ask the government. Any reason why
13 the Court should not now proceed to impose sentence in
14 this case?

15 ATTORNEY MCCORMICK: No, your Honor.

16 THE COURT: From the defendant?

17 ATTORNEY DALE: No, your Honor.

18 THE COURT: All right. Mr. Friedel, come to
19 the podium.

20 THE DEFENDANT: (Complied).

21 IMPOSITION OF SENTENCE BY THE COURT

22 THE COURT: Mr. Friedel, you stand convicted
23 of the serious crimes of producing child pornography and
24 possession of child pornography, and Congress has
25 prescribed severe penalties for these violations.

1 The law requires that I consider a variety
2 of factors in imposing an appropriate sentence, because
3 imposition of a sentence in each case is a distinct
4 task. Every defendant is slightly different. They
5 often lead to the same sentences, but I have to consider
6 the differences.

7 The first factor the Court has to consider
8 is your personal history and characteristics, with which
9 I am familiar from the presentence report, and I have a
10 pretty good sense of your personal life.

11 You are a category 1, which means that this
12 is your first contact with the criminal justice system,
13 either federal or state. You are college educated. You
14 have worked for the government. I am familiar with all
15 of that.

16 The next factor that the Court must consider
17 is the nature and circumstances of the offenses, and I
18 have considered those in some detail.

19 Now what I find particularly significant
20 there is that, with respect to the production of child
21 pornography, that this was not a matter of typical
22 production for economic purposes and the like. You
23 didn't share these videos with others. You didn't use
24 peer-to-peer software and that sort of thing, and you
25 did it really for your own gratification.

1 I would consider it more serious if you had,
2 for example, sold these images to anybody, either on the
3 Internet or otherwise. You didn't. At least there is
4 no evidence of that.

5 That doesn't mean that you didn't produce
6 child pornography; you did, but it wasn't for commercial
7 purposes.

8 You also, I think, on the possession side, I
9 do find that you did have images of younger children,
10 and some of which it appears you obtained from the some
11 of the people that you communicated with. But these,
12 too, were not shared or circulated by you.

13 I do take into account the fact that, as I
14 think -- Ms. McCormick, is that --

15 ATTORNEY MCCORMICK: Yes, your Honor.

16 THE COURT: -- as Ms. McCormick pointed out,
17 you did use these images to assist you in persuading
18 others to accommodate your wishes, your desires. That's
19 a factor I have taken into account as well.

20 The law also requires that in addition to
21 your personal history and characteristics and in
22 addition to the nature and circumstances of the offense,
23 that I impose a sentence that promotes respect for the
24 law, that provides just punishment for those offense and
25 that deters you and deters others from committing these

1 kinds of crimes.

2 Now, I am satisfied you don't need to be
3 further deterred. I think your expression of regret is
4 sincere, and I think, I think there is not a great
5 likelihood that you will recidivate, that you will
6 continue to commit crimes.

7 But I must impose a sentence that also
8 deters others. The sentence I impose must stand as a
9 beacon, a warning, to others not to engage in this kind
10 of conduct. And the reason for that, of course, is that
11 this kind of pernicious conduct does real harm to
12 victims.

13 Ms. McCormick again is right to point out
14 that this has been studied a lot, and the harm to
15 victims is incalculable.

16 Now we didn't have any victims here today to
17 express the view, but it would only take a moment's
18 reflection on your part and the part of everyone here to
19 know that adults having sex with children does
20 irreparable harm to children; and 16- and 15-year-olds
21 are children. Lives are significantly scarred by such
22 conduct.

23 The law also requires that I consider the
24 kinds of sentences available, that I consider the
25 Guidelines. They are not mandatory, as they once were.

1 They are advisory. But they are important because they
2 are a benchmark and they allow the Court to ensure that
3 there aren't unwarranted disparities between the
4 sentence I impose on you and the sentence imposed on
5 others convicted of essentially similar conduct.

6 I have considered all of those factors.

7 And then I must also ensure that the
8 sentence I impose is not greater than necessary to
9 accomplish of the goals of sentencing set out in
10 Section 1353(a) of the statute.

11 But as I said earlier, in the end sentencing
12 is it not a mathematical exercise. It's a judgment.
13 It's a judgment that is made on the basis of the factors
14 that I have stated.

15 It is the judgment of this Court,
16 Mr. Friedel, that you be committed to the custody of the
17 Bureau of Prisons for a period of 192 months.

18 Upon release from confinement you are to
19 serve 10 years of supervised release.

20 You are to pay a \$100 special assessment.

21 I believe -- is probation officer present,
22 Ms. Lyerly, in the courtroom?

23 THE PROBATION OFFICER: Yes, your Honor.

24 THE COURT: I believe you indicated that the
25 defendant wasn't capable of paying the minimum fine. Is

1 that correct?

2 THE PROBATION OFFICER: That is correct.

3 THE COURT: All right. I will not impose
4 the minimum fine, then, which in this case was fairly
5 substantial.

6 I will order, as I said, that you pay the
7 \$100 special assessment.

8 I will order that your supervised release be
9 subject to a number of special conditions in addition to
10 the standard conditions.

11 First, you must participate in a program
12 approved by the Probation Office for substance abuse.
13 That could include residential treatment.

14 You also must submit to a polygraph test as
15 directed by the probation officer as part of a sex
16 offender therapeutic program. And those costs, to the
17 extent possible, are to be paid by you as directed by
18 the probation officer.

19 You are also to participate in a program
20 approved by the Probation Office and at the direction
21 and discretion of the probation officer for mental
22 health treatment, to include a psychosexual evaluation.
23 And the costs of the program, if it is feasible, is to
24 be borne by you.

25 You are not to accept any paid or volunteer

1 positions involving children.

2 You are not to have any access to or possess
3 any pornographic material or any pictures displaying
4 nudity. In other words, you can't have any pornography
5 at home when you are on supervised release.

6 You can't have contact with minors, unless
7 supervised by a knowledgeable adult. That is, the adult
8 who supervises the contact with minors must know about
9 these convictions.

10 You can't, of course, uses any sex-related
11 adult telephone services, and you can't uses a computer
12 to access pornography or anything of that sort.

13 Of courses, child pornography is a crime.
14 Pornography, adult pornography, is not a crime. But you
15 are precluded from that as a condition of your
16 supervised release.

17 And of course you may not violate the law.
18 If you were to possess or acquire child pornography
19 while you are on supervised release, that would be not
20 only be a violation of your supervised release and you
21 could be returned to prison for the full term of the
22 supervised release, but you would also have committed
23 another felony and be subject to prosecution for that.

24 And you will be allowed to have a computer,
25 but your computer will be monitored by the Probation

1 Office. They have a computer monitoring software that
2 will allow the Probation Office to be sure that you are
3 not engaging in any prohibited conduct.

4 Now, have I omitted any condition that you
5 think should be added, Ms. McCormick?

6 ATTORNEY MCCORMICK: No, your Honor.

7 THE COURT: Any objection to any of those
8 conditions?

9 ATTORNEY DALE: No, your Honor.

10 THE COURT: All right.

11 Have I omitted any aspect of the sentence,
12 Ms. McCormick?

13 ATTORNEY MCCORMICK: No, your Honor.

14 Because restitution in this case -- I mean, not
15 restitution -- forfeiture in this case can be handled by
16 Fairfax County.

17 THE COURT: By what?

18 ATTORNEY MCCORMICK: Fairfax County.

19 THE COURT: All right.

20 Now, restitution for victims, there are no
21 victim statements that I can address; is that correct?

22 ATTORNEY MCCORMICK: That is correct. I
23 misspoke when I said "restitution." I meant forfeiture.

24 THE COURT: Yes.

25 ATTORNEY MCCORMICK: There is no restitution

1 request in this case.

2 THE COURT: Forfeiture has already occurred;
3 am I correct?

4 ATTORNEY MCCORMICK: No, your Honor. There
5 is forfeiture notice in the indictment, but the actual
6 forfeiture of the items has yet to occur.

7 THE COURT: Well, why isn't that occurring
8 today as part of this sentence?

9 ATTORNEY MCCORMICK: Your Honor, in this
10 case the office decided that because Fairfax County had
11 custody of the items, the child pornography, that they
12 would handle the forfeiture.

13 THE COURT: All right.

14 ATTORNEY MCCORMICK: I had prepared a
15 forfeiture order in this case, but --

16 THE COURT: I want an order of forfeiture.
17 Where is it? Where is the order?

18 ATTORNEY MCCORMICK: Because it was going to
19 be handled by Fairfax County, I don't have it with me.
20 But I will -- I will -- it's a consent forfeiture order
21 that I will work out with Mr. --

22 THE COURT: All right. Then submit that to
23 the Court, because I will order forfeiture as part of
24 this sentence.

25 ATTORNEY DALE: Yes, your Honor.

1 May I have one moment with Ms. McCormick?

2 THE COURT: Yes, you may.

3 (Counsel conferring.)

4 ATTORNEY DALE: Your Honor, obviously we
5 will do as the Court directs, but I can tell the Court
6 that the agents gave me a list of the items this morning
7 for us to sign off on for them to simply destroy, and we
8 prepared to do that.

9 THE COURT: All right.

10 ATTORNEY DALE: I promised them I would have
11 that to them within the week, and I will, and they can
12 destroy the items.

13 THE COURT: All right. Well, you and
14 Ms. McCormick can submit to the Court an order of
15 forfeiture.

16 And what you do with the items that are
17 forfeited is of no interest to the Court, whether they
18 are burned or whatever. It doesn't matter. But I do
19 want to enter an order of forfeiture as part of this
20 case.

21 ATTORNEY MCCORMICK: Yes, your Honor.

22 THE COURT: All right.

23 Let me ask Ms. Lyerly, have I omitted
24 anything in connection with the sentence?

25 Where is Ms. Lyerly? There you are.

1 THE PROBATION OFFICER: Your Honor, the
2 special assessment fee should be \$200.

3 THE COURT: You are right. It should be
4 \$200, \$100 per count.

5 Anything else?

6 THE PROBATION OFFICER: And the term of
7 supervised release, is that ten years as to each count?

8 THE COURT: Yes. Let me be clear about
9 that.

10 The 192 months is with respect to the
11 production count. And with respect to the possession
12 count, it's a 10-year sentence to run concurrently with
13 the sentence on the production. So it's a total
14 sentence of 192 months, broken up as I have indicated.

15 Anything else, Ms. Lyerly?

16 THE PROBATION OFFICER: I believe that's it,
17 your Honor.

18 THE COURT: Anything further, Ms. McCormick?

19 ATTORNEY MCCORMICK: No, your Honor.

20 THE COURT: All right.

21 Nothing further for the defendant?

22 ATTORNEY DALE: No, your Honor.

23 THE COURT: Good luck to you, Mr. Friedel.

24 Remember, life is making choices and living
25 with the consequences. You make the choices. You write

1 the pages of your own life story. You have that power.
2 Don't ever forget that.

3 THE DEFENDANT: Thank you, your Honor.

4 THE COURT: And you have a lot of life left
5 open to you, a lot of life to make better decisions, and
6 you have ample opportunity to redeem yourself in this
7 matter.

8 You understand what I am saying to you?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: All right.

11 I thank counsel for your cooperation.

12 Call the next matter.

13 (Court recessed in USA v Friedel.)

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1
2 CERTIFICATE
3

4 I, MICHAEL A. RODRIQUEZ, an Official Court
5 Reporter for the United States District Court, in the
6 Eastern District of Virginia, Alexandria Division, do
7 hereby certify that I reported by machine shorthand, in
8 my official capacity, the proceedings had upon the
9 sentencing hearing in the case of UNITED STATES OF
10 AMERICA v. PATRICK JOSEPH FRIEDEL.

11
12 I further certify that I was authorized and
13 did report by stenotype the proceedings in said
14 sentencing hearing, and that the foregoing pages,
15 numbered 1 to 51, inclusive, constitute the official
16 transcript of said proceedings as taken from my machine
17 shorthand notes.

18
19 IN WITNESS WHEREOF, I have hereto subscribed
20 my name this 11th day of May, 2015.

21
22
23 /S/
Michael A. Rodriquez, RPR/CM/RMR
24 Official Court Reporter
25

MICHAEL A. RODRIQUEZ, RPR/CM/RMR